

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA *ex rel.*
CHINA PACIFICARBIDE, INC.,

Plaintiff-Relator,

v.

KING KONG TOOLS, LLC; *and*
KING KONG-TOOLS GMBH & CO. KG,

Defendants.

Civil Action No.
1:19-CV-5405-WMR

Filed under seal and *ex parte*

Joint Stipulation of Dismissal

Pursuant to Fed. R. Civ. P. 41(a), the United States and the Relator hereby notify the Court of their voluntary dismissal of the claims against Defendants King Kong Tools, LLC, and King Kong-Tools GmbH & Co., KG (collectively, “King Kong”), as set forth below.

This action was filed by the Relator under the False Claims Act, 31 U.S.C. §§ 3729–33. No defendant has filed an answer or a responsive pleading to the Complaint. The United States filed today its notice of election to intervene as to certain claims brought by the Relator on behalf of the United States.

The United States, the Relator, and King Kong recently executed a written agreement in full compromise and settlement of certain claims the United States may have against King Kong as well as the claims that the Relator has asserted on behalf of the United States against King Kong.

In accordance with this Settlement Agreement, the United States is voluntarily dismissing, with prejudice, all claims asserted by the Relator in this action, on behalf of the United States, against King Kong that are based on the Covered Conduct as defined in settlement agreement, which specifically provides as follows:

The United States contends that it has certain civil claims against King Kong Tools, LLC, and KingKong-Tools GmbH & Co KG arising from the following:

- a. Between August 1, 2018 and January 17, 2023, King Kong Tools, LLC, and KingKong-Tools GmbH & Co KG knowingly made, used, or caused to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly concealed or knowingly and improperly avoided or decreased an obligation to pay or transmit money or property to the Government by falsely representing certain goods as being of German origin when they were of Chinese origin. This conduct includes the goods covered by the entries made by or on behalf of King Kong between March 2021 and December 2022 on the attached schedule.

- b. Between August 1, 2018 and January 17, 2023, King Kong Tools, LLC, and KingKong-Tools GmbH & Co KG conspired to perform the acts described in Subparagraph (a), directly above.

The conduct described in this Paragraph is referred to below as the “Covered Conduct.”

The Relator consents to the dismissal with prejudice of the claims described in the Covered Conduct.

Additionally, the Relator voluntarily dismisses, with prejudice to the Relator and without prejudice to the United States, any remaining claims asserted by the Relator in this action, on behalf of the United States, in which claims the United States has declined to intervene. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States hereby consents to the Relator’s voluntary dismissal of that portion of this action, provided that such dismissal is without prejudice to the United States.

Finally, the Relator voluntarily dismisses with prejudice any remaining claims asserted by the Relator in this action on her own behalf.

The United States and the Relator agree that after the above dismissals occur, no claims remain pending in this action.

A proposed order accompanies this notice.

s/ Shannon Liang

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